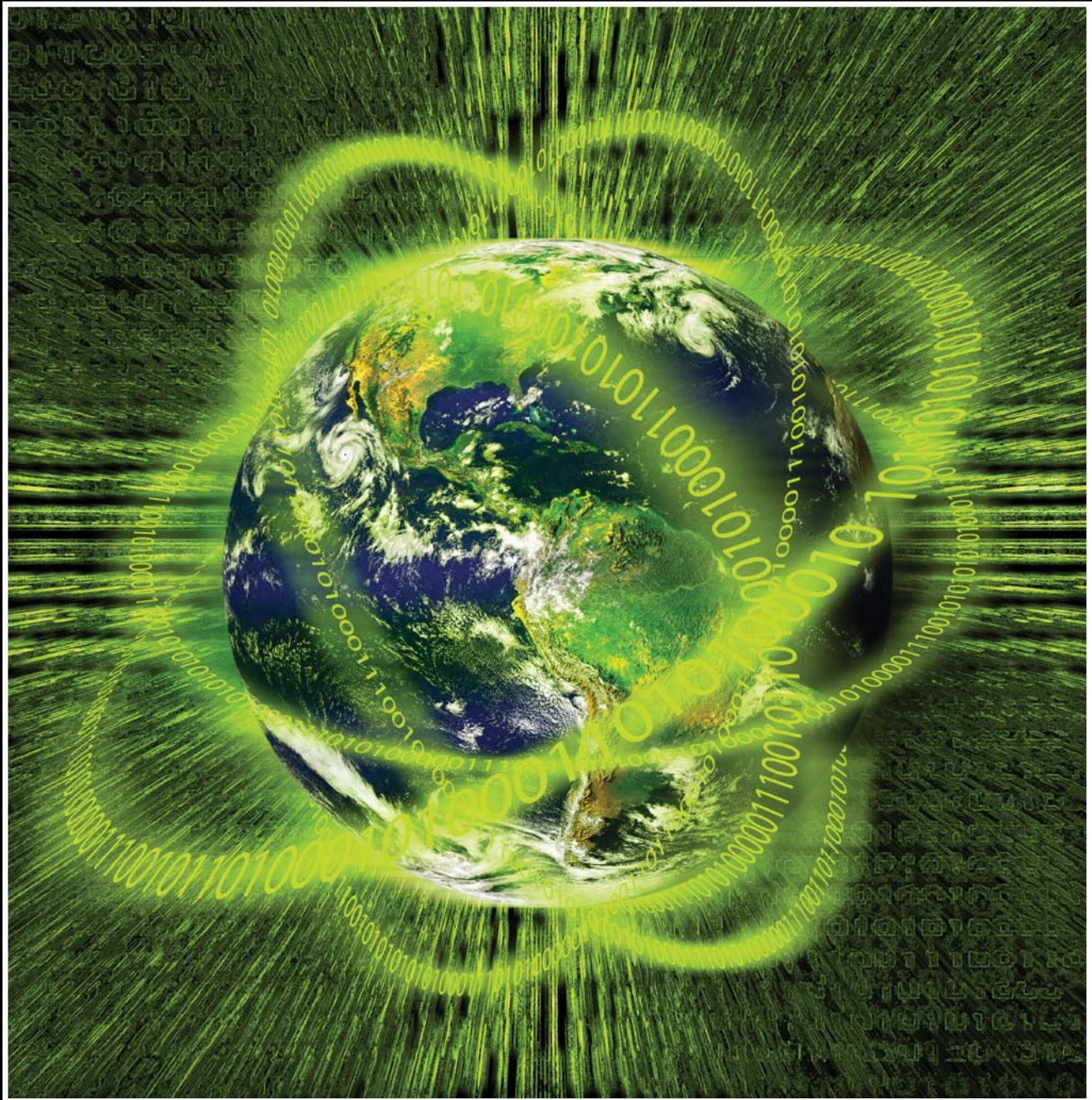




July 2010

FBI **Law Enforcement** **Bulletin**



Digital Communication



July 2010
Volume 79
Number 7

United States
Department of Justice
Federal Bureau of Investigation
Washington, DC 20535-0001

Robert S. Mueller III
Director

Contributors' opinions and statements should not be considered an endorsement by the FBI for any policy, program, or service.

The attorney general has determined that the publication of this periodical is necessary in the transaction of the public business required by law. Use of funds for printing this periodical has been approved by the director of the Office of Management and Budget.

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535-0001. Periodicals postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135.

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Cover Photograph

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Send article submissions to Editor,
FBI Law Enforcement Bulletin,
FBI Academy, Quantico, VA 22135.

FBI Law Enforcement Bulletin

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The Public Information Officer and Today's Digital News Environment

By PATRICK DAVIS, M.S.

Over the past 20 years, the nature of the news media business has changed dramatically. Such innovations as the invention and expansion of 24-hour cable news coverage, camera phones, and Internet applications add to the ever-expanding field of information contributing to news reporting.

At the same time, media organizations continue to streamline their operations, commonly sharing resources between print, television, and radio. Many markets have seen older, more seasoned reporters replaced with much less experienced (and cheaper) ones who often serve in the roles of reporter, photographer, and editor of their stories. Consolidation in many markets also can mean

that journalists must turn around more stories more quickly.

For law enforcement and other public agencies, this trend can cause frustration and hardship. Public information officers (PIOs) now must do much more than simply respond to news. Today, they have expanded abilities and responsibilities, which include providing on-the-scene reports and pitching stories to Internet-savvy news representatives.

REPORTING THE NEWS

Reporters will write various stories about law enforcement. However, when they easily can access the information, their primary concern lies with presenting developing crime incident stories.¹ Lights, sirens, and confusion can draw many

media representatives eager to report first on a breaking incident. News directors want to showcase their organization's ability to be first on the scene and to have exclusives.

When a big story develops, PIOs anticipate the phone calls from seemingly every outlet in town asking the same questions. However, savvy reporters may bypass an agency PIO by calling their own sources to obtain information. To this end, with cars equipped with mobile data terminals and other computers, many agencies allow officers in different areas or those off duty to log on and read the details—even when unsubstantiated—of an incident. Some reporters know how to develop them as sources, and many have favorite officers who will provide them with details. In an age where technology often propels information faster than people can control it, PIOs must continue to embrace technology and its benefits or risk becoming obsolete.²

“Organizations that... control media images and promote issues consistent with their own interests have power, and losing this control is detrimental to their legitimacy....”³ Effective PIOs know how the media in their community works and how to release information quickly and accurately. By virtue of their authority, police agencies generally



Mr. Davis, a former police lieutenant, currently serves as the public information officer for the Second Judicial District Attorney's Office in Albuquerque, New Mexico.

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are considered reliable sources and, thus, information they provide can be easily reported, often without additional verification.⁴ But, making phone calls to every news outlet in a community takes time, especially when each one wants to conduct a formal interview. However, if PIOs embrace modern technology and use it appropriately, they will gain some relief and some control over the message.

Nearly every news organization has a 24-hour assignment editor or news director watching wires and rival television newscasts and reading Web logs and feeds. Even non-24/7 outlets, such as alternative papers and weekly editions, still demand access to information about incidents that occur outside normal business hours. PIOs can exploit this by developing their own news-producing feeds online that can become the official message of an agency during routine days, as well as crises.

EMBRACING TODAY'S TOOLS

RSS Feeds

Subscribers to Real Simple Syndication (RSS) feeds automatically receive notification when a Web site they follow is updated; they also choose the type of content to which they want to be alerted.⁵ For

example, RSS users who subscribe to CNN's site can elect to receive notification only when a new story posts that contains the word *police* or their town name. They do not have to manually check each site of interest or stay logged on and click "refresh" every few seconds. RSS feeds take away all of this work. Similarly, journalists can avoid being inundated with news releases and story ideas by controlling and monitoring the

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feeds. This proves especially helpful in large markets where reporters with different assignments can subscribe to separate feeds from the same Web site; a crime reporter can opt to learn about arrests and investigations, while a school reporter may select only new juvenile intervention programs.

Law enforcement agencies can use this valuable tool to communicate information

quickly and fairly to all news outlets in the community. For instance, on its Web site, a police department can post news releases of upcoming events or initiatives and alert the community to developing emergencies, all from the same source and at the same time. Agencies choosing to employ this system should use it regularly, at least weekly, to ensure that news gatherers become used to following the feed to get information and referring to it in an emergency.

PIOs responsible for watching daily news clips will find RSS feeds valuable. Web-based search engines, such as Yahoo! and Google, allow users to create their own Internet searches for specific terms. For instance, subscribing to Google Reader allows PIOs to create feeds to continually scan and generate alerts for terms, such as the name of their department and chief or sheriff or any other words they choose. These feeds can turn up such items as news stories, personal blogs commenting on the agency and its officers, community newsletters from neighborhood associations, and even some chat-room posts. A reader who spots a blog complaining about speeders in a neighborhood could direct officers to increase visibility and enforcement in that area, even without submitting a formal request.



Moreover, RSS feeds exceed geographical limits; many PIOs find it amazing how far stories about their agency can spread. Using these feeds in such a broad sense is perfectly legal and in many cases eye-opening for an agency and its leadership. If a reader can avoid the temptation to respond to every criticism, the information gleaned can prove educational for a department's leadership and PIO, who may learn more about how particular messages play to the community. Google Reader, for example, provides tracking of subscribers' feeds, demonstrating how often a

particular term shows up in the news and even on what days of the week or time of day terms first appear. PIOs can use this to track the spread of a news release or story involving the agency and to gauge the newsworthiness of stories.

However, RSS feeds may not find content in subscriber-only pages, including many news sites that require paid access to read full articles. They also cannot search audio or video for terms but are very useful in tracking how well an agency's message is spreading and how it is being received.

Twitter

A relatively new Internet phenomenon, Twitter use is spreading quickly, especially among younger people. Users—either an individual or an organization—can create a profile and provide instant updates on daily activities, breaking news, and even mundane details. Followers, or subscribers, can view a user's postings, also known as "tweets." For instance, they can see current happenings in an organization in real time.

Among social networking sites, Twitter is unique in that it limits postings to 140 characters; information must be short

and to the point. During times of crisis communication, PIOs can take advantage of this; instead of preparing, editing, and distributing a full news release, they simply can use Twitter to put the basic facts into a single, short message. Further, PIOs can continue to provide information in a timely manner through regular updates and, if necessary, schedule a full news conference and prepare a news release, all from a command post or office. For less serious incidents, PIOs can give directions and information to the media without ever leaving the office and without the trouble of calling everyone individually with the same information. Agencies using the Internet as part of their public information strategy should incorporate Twitter into their Web sites to provide live tweets without requiring readers to subscribe.

Nixle

Of all the social networking Web sites, Nixle is the first to target municipal agencies. That approach has earned it some unique partners. In June 2008, Nixle became the first public networking site to partner with the National Law Enforcement Telecommunications System (NLETS). Because of this relationship, Nixle can house its servers in NLETS' secure facilities, resulting in an enhanced

level of security and reliability for municipal agencies.

Similar to Twitter, Nixle allows users to send short 140-character messages to subscribed users through "wires," or communication networks. Much like other networking sites, anyone can set up a wire and send messages about their activities, breaking news, or other details. However, Nixle offers municipalities the ability to have their own wire that allows them to send secure instant

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Modern technology offers both new capabilities and new challenges.

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emergency messages to all users in a designated geographic area.⁶ This works well in communicating directly to those who need the information quickly. Municipal users simply log in, enter their message, and then select an area on a map affected by the incident. The message goes only to users who choose to accept alerts in those areas. This ability to limit information distribution to only those who need it offers a big advantage

over other networking sites. Reducing the number of messages ensures that readers pay attention when they receive one from law enforcement because it likely will be immediately relevant to them there and then.

Although relatively new, Nixle has demonstrated its usefulness to law enforcement. For instance, an elderly resident in a California community failed to return home after she went out for a brief trip. Local police quickly sent out a description to all subscribers within one-half mile of her home and a short time later expanded the message to include more information and more subscribers within a larger search area. The woman soon was found safe and returned to her family.

Other agencies, particularly those in major metropolitan areas, will find Nixle useful during major events. For example, during the 2009 G-20 meetings, Pittsburgh, Pennsylvania, Police Department command staff used Nixle's secure group text-messaging abilities to send secure messages about developing incidents to partner agencies providing security at multiple event locations. Because the messages between municipal departments were routed through NLETS, they were secure enough for sensitive information and could be targeted to specific law enforcement teams or agencies

working at a single site.⁷ This flexibility proved critical to their success and ensured that persons receiving the messages did not tune out the information, as often happens when officers monitor citywide alerts not relevant to their individual assignment, or that people did not change the message as they passed it through the grapevine.

As many municipalities begin to look for cost-effective and reliable means of emergency messaging, Nixle likely will see increased attention. Its extensive usage is growing rapidly. Schools, universities, search and rescue teams, and other municipal agencies increasingly look to Nixle because of its security and reliability during an emergency, and this likely will generate increased users in areas

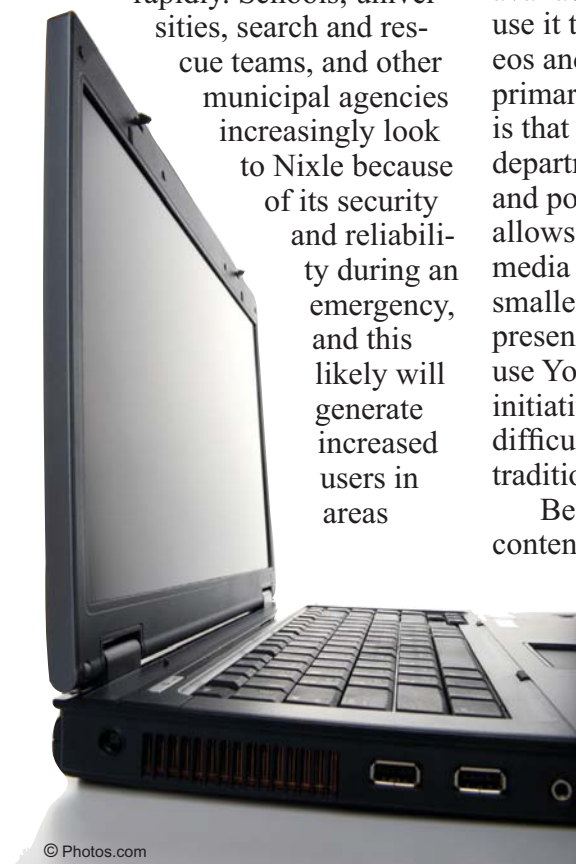
where municipalities begin promoting their own use of the system.

Because it is so new, the full benefits of Nixle likely have not been realized. But, its unique partnership with municipalities, particularly law enforcement, is promising and has proven successful. Because of its support by private users and advertisers, the service is generally free for agencies.

YouTube

By far, YouTube is the most prolific personal media site available. Many departments use it to publish recruiting videos and news conferences. The primary attraction to YouTube is that agencies can have a department profile and create and post videos for free. This allows large agencies to focus media dollars on production and smaller ones to establish a Web presence. In addition, PIOs can use YouTube to promote new initiatives that are sometimes difficult to have covered in the traditional media.

Because users control the content, departments can create their own videos profiling agency accomplishments, officers of the year, and new initiatives without time-constraint limits imposed by television reporting. Departments even



Popular Tools



<http://www.facebook.com>



<http://www.nixle.com>



<http://twitter.com>



<http://www.Youtube.com>

can integrate YouTube video into other media strategies to create a better-controlled and more-thorough approach. YouTube videos can be included in department Web sites and Facebook pages and linked to Twitter messages. Further, many media outlets that have a Web presence often will point viewers to an agency's YouTube page so they can find more information on a particular story and, thus, the department as well.

Facebook

Facebook boasts millions of regular users, more than half logging on at least once a day looking for some type of information. Agencies can harness Facebook's power by understanding how it works. Departments can provide information, videos, news (or status) updates, and event information to other users who choose to follow by becoming a "friend." Especially important to organizations, friends can opt to receive instant notification when the agency posts new information and content, and they can respond with comments.

For example, a law enforcement agency can post a Friday afternoon status update reminding friends of checkpoints targeting drunk driving. Every friend will get this information as they make plans for Friday night activities and, thus, hopefully will remember to use a designated driver. Similarly, a single posting can spread AMBER Alerts and other breaking news around the world, both to citizens and to the media. PIOs no longer need to e-mail, fax, and call numerous news outlets to promote a story and then wait hours or days for them to air or publish it.

New features allow the integration of Facebook status updates with Twitter, blogs, or commonly used Web sites. This gives account managers the

ability to post information one time and in one place, yet have it spread across multiple media outlets in an instant. Built-in monitoring tools can track an agency's messages and indicate which ones get the most attention and how quickly they spread.

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PIOs must remain accessible to ensure their success.

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Public agencies find Facebook enticing because it costs nothing to create, edit, or maintain a profile. It also provides real-time information about who follows the department's information, who shows the most interest, and what types of comments followers have had. Agencies also can promote and spread positive stories in the press by linking to it; both the department and the media outlet benefit from the publicity.

CHANGING THE PIO'S ROLE

For on-the-move PIOs and journalists alike, most news outlets now have a presence on Twitter and provide regular

updates of developing stories, as well as previews of upcoming ones. RSS feeds of news stations and newspaper Web sites provide instant notification of new stories being posted or updated. Forward-thinking PIOs can follow these tweets and pitch potential stories to news outlets promoting similar ones. For instance, a news station tweets that a reporter plans a story about the rise of juvenile crime. A PIO could quickly call the station and suggest a story about a new truancy prevention grant recently awarded to the police department.

PIOs must remain accessible to ensure their success. Not surprisingly, a recent study found that an accessible PIO or chief executive was the most important factor in creating a positive image of an agency in the eyes of the media.⁸ Technology provides new ways for those who need to be accessible to remain in touch without actually being on the phone or present in person.

CONCLUSION

Clearly, public information officers need to change with the times. Modern technology offers both new capabilities and new challenges. As these innovations expand the amount of information available, PIOs must ensure they retain the ability to control their agency's message.

Departments and their PIOs must ensure they “establish protected fronts...and communicate in ways allowing them to strategically control what is known and asked.”⁹ Digital media is a front that agencies must incorporate into their public information strategy. By establishing themselves in the digital community, agencies can ensure they have the best possible relationship with the media and the public. ♦

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¹ Steven Chermak and Alexander Weiss, “Maintaining Legitimacy Using External Communication Strategies: An Analysis of Police-Media Relations,” *Journal of Criminal Justice* 33 (2005): 510.

² References to specific brands and products are for clarity and should not be considered endorsements by the FBI.

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⁸ Chermak and Weiss, 502.

⁹ Chermak and Weiss, 509.

We Need Your E-mail Addresses

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Editor
FBI Law Enforcement Bulletin



The FBI and Social Media

Over the past few years, the FBI has rolled out a number of new initiatives on its Web site, <http://www.fbi.gov>, that make it easier for the public and Bureau partners to help track down wanted fugitives and missing children, to submit tips on terrorism and crime, and to get the latest FBI news and information. These include an e-mail alert service, syndicated news feeds, and a series of podcasts and widgets.

In 2009, the FBI followed up on these efforts by establishing an official presence on several social media Web sites, including Facebook, YouTube, and Twitter. These sites provide another way for the public to access FBI news, stories, videos, and other content posted on the Bureau's Web site.

In February 2009, a Kansas company (founded by a former law enforcement officer) that provides eGovernment services created a free iPhone and iPod app featuring Bureau fugitives and breaking news. It was inspired by the FBI's Most Wanted Fugitives widget, installed on over 4,500 Web

sites around the world and viewed more than a million times. After downloading the app, users can view pictures of and details on missing children and wanted criminals and terrorists and send e-mail tips by phone. A more recent update provides directions to and contact information for the nearest FBI office. People in over 75 countries have downloaded the app more than 700,000 times.

In January 2010, a new widget (viewable at http://www.fbi.gov/multimedia/media_main.htm) was unveiled integrating dozens of the FBI's feature videos into an easy-to-navigate player that law enforcement officers or members of the public can embed on any Web site or share with others by clicking on the "Get & Share" button. Further efforts have included pilot tests in Second Life, a free 3-D world inhabited by millions of people worldwide,

for virtual billboards and kiosks that show the photos of Ten Most Wanted fugitives and connect people to FBI jobs, the Internet Crime Complaint Center, and wanted posters of cyber criminals. ♦



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Cell Phones as Prison Contraband

By TOD W. BURKE, Ph.D., and STEPHEN S. OWEN, Ph.D.

An inmate escaped from a Kansas prison allegedly with the aid of a phone smuggled in by an accomplice.¹ In Texas, a death row inmate charged with killing four persons, including two teenage girls, allegedly used a wireless phone from within the prison to threaten a prominent state senator and his family.² These incidents serve as just two examples where individuals used

cell phones to facilitate criminal acts from within a correctional institution.

The authors have examined the real and potential dangers that inmate wireless phone possession poses not only to prison and jail personnel and other prisoners but to the community at large. Their study focused particularly on the methods of concealment, as well as prevention strategies, including

detection and proposed legislation, to minimize the harm of cell phone use by inmates.

Possession by Prisoners

A study of Kentucky correctional personnel found that 92.2 percent believed that inmates should have telephone privileges.³ At least one court has suggested that prisoners may have a right to access.⁴ However, it is important to acknowledge that

this right has limitations. Restrictions may not only limit the number of persons an inmate may call but dictate that none of the individuals have a criminal record.⁵ As a general matter, correctional staff may monitor inmate calls when “pursuant to a policy statement” and when prisoners receive “reasonable notice that monitoring of telephone conversations might occur” (although a different analysis likely would apply to legal communications).⁶ Finally, authorities may impose restrictions on telephone use based on the security level in which an inmate is housed.⁷

Even despite such limitations, inmate telephone use sometimes may facilitate criminal activity. A recent report concluded that “a significant number of inmates use prison telephones to commit serious crimes.”⁸ While prisoners may use their cell phones for benign purposes, such as maintaining contact with family and friends, the devices also may provide inmates with an avenue for conducting criminal activity without concerns about the restrictions imposed on landline telephone use.

Seriousness of the Problem

Cell phones represent the latest concern in authorities’ constant struggle against prison and jail contraband. Inmates

smuggle them into facilities in increasing numbers. For example, in 2008, approximately 2,800 devices were confiscated by California officials alone.⁹ During a massive search in a Texas institution, authorities recovered approximately 300 wireless phones, including 18 from death row inmates.¹⁰

The problem of smuggled devices in prisons occurs worldwide. Authorities in India confiscated more than 600 cell phones in a Gujarat facility.¹¹ Guards at the Danilo Pinheiro prison in Brazil discovered that inmates used pigeons to fly phones and related parts in and out of the institution; prisoners there allegedly have used wireless phones to coordinate a wave of assaults on law

enforcement agencies, banks, and public buses, killing hundreds of people.¹²

One Maryland official stated, “Cell phones are perhaps the worst type of contraband because, in most cases, they provide an easy, continuing connection back to the inmate’s life on the street—the type of lifestyle that led to them being incarcerated.”¹³ Prisoners have used them to, for example, intimidate and threaten witnesses; transmit photographs, including offensive pictures sent to victims; orchestrate crimes, such as gang activity; coordinate escapes; bribe prison officers; order retaliation against other inmates; text other prisoners; gain access to the Internet; and create security breaches.



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Dr. Owen is an associate professor of criminal justice at Radford University in Radford, Virginia.

Concealment by Inmates

Prisoners have creative methods of concealing cell phones and related contraband, such as subscriber identity module (SIM) cards used to store phone numbers and text messages.¹⁴ For instance, authorities have found devices hidden under mattresses; concealed by wrist watches; and contained inside body cavities, rice and cereal containers, false bottoms of boxes, hollowed-out books, toilets, televisions, radios, light fixtures, portable fans, socks, and duffle bags.¹⁵

Visitors and employees also smuggle wireless phones and related paraphernalia into prisons. In some cases, staff members have accepted bribes, usually for several hundred dollars per device, from inmates to sneak cell phones into facilities. For example, one correctional officer reported earning more than \$100,000 by charging prisoners \$100 to \$400 per device. Smuggled wireless phones also provide a source of additional income to inmates who charge other prisoners up to \$50 for each call placed.¹⁶

Detection by Authorities

As a result of the influx of wireless phones within facilities, officials have taken aggressive measures to detect them. Authorities have implemented not only random cell

inspections but perimeter searches. In one case, officials discovered wireless devices outside a perimeter fence and determined that a makeshift launcher catapulted them over the prison wall.¹⁷ Some institutions have used traditional security measures, such as metal detectors; X-ray technology; and routine searches of staff,

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Prisoners have creative methods of concealing cell phones and related contraband....

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visitors, and contractors, to detect cell phones.¹⁸ Officials also have used body orifice security scanner (BOSS) systems to detect cell phones and parts concealed in body cavities.¹⁹

An innovative proactive approach to detection is the use of dogs. For instance, as part of their crackdown on cell phone possession by inmates, the Maryland Department of Public Safety and Correctional Services uses canines trained specifically to detect wireless

devices,²⁰ including even the small SIM cards, which is important because prisoners often store them separately, “minimizing the loss in case a phone is seized.”²¹ The use of dogs to sniff out cell phones has proved quite successful. According to one report, “In fiscal year 2008, 849 cell phones were found within the facility or intercepted outside of the facility on prison grounds at 24 facilities....”²²

Some agencies have begun to use electronic cell phone detection systems, which can indicate to security staff when a device is in use in a facility. Some such systems rely on wireless sensors to detect phone signals.²³ Others may be hard-wired within a facility. Although effective, use of these technologies requires start-up costs.²⁴

Jamming and Legal Considerations

“Jamming is a radio frequency (RF) technology used to disrupt cell phone signals.”²⁵ Along with denial of service and passive interception, this may seem like an attractive possibility; however, it is illegal unless done pursuant to specific authorization. As noted in section 333 of the Federal Communications Commission (FCC) Act of 1934, “[N]o person shall willfully or maliciously interfere with or cause interference to any radio communications.”²⁶

The penalty specified for jamming is a maximum fine of \$11,000 per day and the potential for criminal prosecution.²⁷ Some states, as well as Washington, D.C., have requested that the FCC revisit its antijamming policy.

Currently, Congress is examining the possibility of permitting the proactive use of jamming to prevent inmates' use of cellphones in correctional institutions. One bill under consideration would allow "state governors or the Director of the Federal Bureau of Prisons to petition the FCC to permit mobile jamming in prisons."²⁸

Despite successful testing of jamming technology that blocked only the targeted signals in prison settings around the globe, inadvertent interference with legitimate cell phone service does pose a real concern. For instance, jamming at one institution disabled cell phone service to approximately 200,000 nearby residents.²⁹

Also important to consider is how jamming might interfere with public safety. For instance, jamming technology could affect police radio and cell phone reception in the event of an emergency response or the transmission of vital information. In one situation, a school system jammer used to prevent students from using their cell phones during class



incapacitated a sheriff's cross-band repeater. This posed a danger during an active SWAT team activity.³⁰ Additionally, of course, the same technology that prohibits inmates from using wireless phones also would prevent correctional personnel from doing the same for routine business or in the event of an emergency.

Additional Concerns

Some inmates prefer wireless phones so they can bypass telephone monitoring systems within the prison. Cell phones provide them a means of private communication with minimal oversight by authorities. Further, inmates argue that wireless phones are less expensive than pay phones for maintaining contact with family.³¹ Additionally, according to some defense attorneys, the use of cell

phones merely is a method for prisoners to communicate with family members who live in locations where pay phones do not currently exist.³² It is unlikely that such a claim would be sustained in court, as cell phone restrictions more likely would be viewed as "reasonably related to legitimate penological interests."³³

A more practical concern to correctional administrators is financial, as inmate telephone use generates agency revenue. For instance, a 1995 study found that such income totaled \$96.4 million for 31 state correctional agencies.³⁴

Recommendations

This problem likely will not disappear in the near future. However, effective prevention strategies and workable policies can help minimize it. First,

correctional institutions need to continue their vigilance toward detection of smuggling and possession of the devices by prisoners, using both traditional and innovative methods (e.g., canines). Second, if jamming becomes legal, research on the usage of these technologies should continue. Third, jurisdictions should consider criminalizing inmate cell phone possession, rather than treating it as ordinary contraband; officials in California have introduced such a bill.³⁵ Finally, authorities should encourage the use of technology as a prevention and detection strategy for cell phones in prisons.

Conclusion

At one time, drugs and tobacco served as the contraband of choice by prisoners. Now, wireless phones are becoming popular. Correctional personnel must maintain excellent intelligence gathering and uphold effective practices to minimize the dangers posed by inmate wireless phone possession.

Prisoners have smuggled cell phones into institutions and used them for various purposes, some illegal and even dangerous. However, the authors feel that authorities can implement effective strategies that can successfully minimize the problem and help protect jail and prison personnel, other inmates, and the public. ♦

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³ Richard Tewksbury and Elizabeth Mustaine, "Insiders' Views of Prison Amenities: Beliefs and Perceptions of Correctional Staff Members," *Criminal Justice Review* 30, no. 2 (2005): 174-188.

⁴ *Johnson v. Galli*, U.S. District Court for the District of Nevada, 596 F. Supp. 135 (1984).

⁵ *Pope v. Hightower*, 11th Circuit Court of Appeals, 101 F.3d 1382 (1996).

⁶ *U.S. v. Paul*, 6th Circuit Court of Appeals, 614 F.2d 115, 117 (1980). Prison administrators should seek legal guidance regarding the specific rules in their jurisdictions that apply to monitoring telephones located in prisons and used by prisoners.

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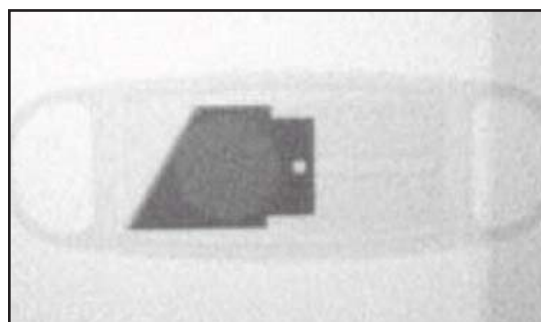
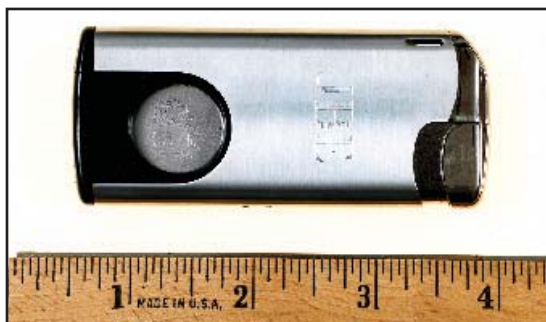
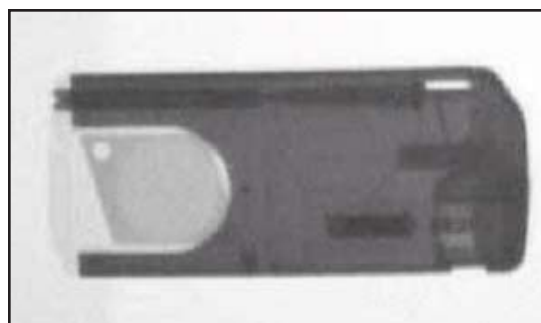
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Unusual Weapon

Cigar Cutter

Offenders may attempt to use this type of cigar cutter as an unusual weapon. They may be able to remove the metal blade from the cutter housing, posing a serious threat to the safety of law enforcement officers.



Notable Speech



The Significance of Personal Character

By Richard D. Thomas

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It is an honor to join with you in celebrating such a notable career event as this graduation from a long and demanding police academy. It is appropriate that we take a moment to reflect on the hard work and sacrifice that it takes to complete such a course of instruction. It bears mentioning here that the hard work was borne not only by the students but by their families. Through the years, it has become very apparent to me that a key element for most of us in law enforcement, if we wish to have a productive and satisfying career, is a supportive and understanding family. I commend you for the support you have and will continue to provide to these graduates in those difficult times that inevitably will lie ahead. The graduates themselves are justifiably proud of what they have accomplished, as they should be, and all should take this time to bask in the warmth of their success.

Upon reflecting on what success really is, a noted 19th century writer, Elbert Hubbard, once remarked, "All success consists in this: You are doing something for somebody—benefiting humanity—and the feeling of success comes from

Chief Thomas heads the North Ridgeville, Ohio, Police Department. He presented this speech to the graduating class of the Lorain County Community College Police Academy.



the consciousness of this.” For those who seek a life in public service, such success is a truly rewarding experience.

Invariably, when I ask young police applicants why they want to become an officer, they almost uniformly relate to me their desire to help others, to give something back to the community, and to stand up for those who cannot do so for themselves. These are, without a doubt, laudable motivations and exactly what a chief wants to hear. However, I suspect the thought of pursuit driving, playing with neat police gadgets, and breaking up bar fights also factors into their quest to become a police officer.

Notwithstanding the less mentioned and more exciting aspects of this particular vocation, I would like to take a moment to speak briefly to the graduates about that one special trait that will serve you well throughout your career and without which you never will be able to lay claim to a career worth mentioning in respectable company. By and large, those who seek to enter the ranks of law enforcement officers are people of good virtue with pure motives and an abiding sense of duty and honor. They tend to be caring and compassionate people, generally of above-average intelligence, and willing to face life’s challenges head-on.

Today, many of you are taking the beginning steps down what may be an exhilarating, often satisfying, yet, at times, frustrating and frequently difficult path of a law enforcement officer. The fact that you will face many difficulties and hardships should in no way dissuade you from pursuing this goal, for, as the poet William Cullen Bryant so eloquently stated, “Difficulty, my brethren, is the nurse of greatness—a harsh nurse who roughly rocks her foster children into strength and athletic

proportion.” Could it be, I wonder, that your physical fitness instructors had this thought uppermost in their minds when they prepared for your fitness training? Was this a prominent theme in the minds of your self-defense instructors as they drilled you again and again on the more subtle but painful points of subject control?

In the years ahead, you who would now raise your hand and take the oath to serve and protect on behalf of the masses will be faced with challenges of the conscience and the spirit that will test your mettle and will either serve to harden your resolve to stay the path of righteousness or bend you in ways large or small that will collectively diminish us as a professional body and tarnish our proverbial shield. If it can be assumed that we as police administrators have done our jobs properly and have hired the right people—decent and honest, brave and dedicated—and provided them with the

necessary training and tools they need to accomplish the tasks that lie before them, then what trait is so crucial that it should take center stage on a day such as this?

I submit to you that this trait is *character*, defined in the Oxford American Dictionary as “moral strength...the qualities that make a person what he or she is and different from others.” Ladies and gentlemen, for almost 30 years, it has been my honor to work in and amongst law enforcement officers, and I can tell you without equivocation that they are indeed a breed apart. They do a job that is understood by so few and critiqued by so many. And, to do this job well, they all require an abundance of character.

Part of what makes police work so unique, challenging, and satisfying is that to a large extent, it is a solitary endeavor. Officers handle calls and

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**Character will set
you apart as a
leader, irrespective
of any rank you may
have obtained.**

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engage the public in any number of varied solo encounters. There is no production schedule to adhere to; there is no manual that can be written to cover every situation and every contingency. It is the officer's wit, training, and desire to succeed and serve honorably that guide the majority of these day-to-day engagements. The potential for abuse always is present: the chance to gain personally at another's expense, to wield power over another in an unscrupulous manner, to take advantage of the weak or the wicked, to exact revenge, or to extort goods or services.

It is sound character that thwarts such temptations, character that individuals must bring on board when they join the agency and hone and strengthen as they navigate the treacherous waters of enticement. It is not a trait that can be issued to new officers or a technique they can learn at some advanced school. As former Congresswoman Helen Douglas once said, "Character isn't inherited. One builds it daily by the way one thinks and acts, thought by thought, action by action. If one lets fear or hate or anger take possession of the mind, they become self-forged chains." Or, perhaps more succinctly, as the educator and evangelist Dwight L. Moody once put it, "Character is what you are in the dark."

Listen to me and believe me when I tell you that it is during those crucial and pivotal times that lie ahead, when no one is looking and no one may ever know what transpired, that it will be your irreproachable character that will allow you to stand tall and proud in the bright and penetrating light of public, judicial, and professional scrutiny. Character will see you through hard and difficult times. Character will draw others to you as they seek to follow your example and measure up to your standards. Character will allow you to admit when you have made a mistake and will give you

the resolve to stand fast in the face of improper influences that could damage you or your agency. Character is why you will be trusted with difficult and sensitive assignments. Character will set you apart as a leader, irrespective of any rank you may have obtained. And, character, once lost, might never again be regained.

As the great American author Ralph Waldo Emerson wrote so many years ago, "Self-trust is the essence of heroism." I would submit to you that to be heroic, one must be able to trust themselves to stand unyielding in the face of temptation, no matter the form it takes, and to always do the right thing.

You graduates are about to embark on a career that is filled with so many great and unique possibilities for you to serve your communities with honor and distinction. Cherish this time, make the most of the opportunities that lie ahead

of you. Commit yourselves, as I am sure most of you already have, to make a positive difference in your agencies and the communities you will be serving.

I can assure you, the experience will pass all too quickly, and when you get to the end of this road, you are sure to find, as Walt Whitman wrote, "Nothing endures but personal qualities." Let it then be said of you collectively that you were people of quality with abiding character who walked the path less traveled and served in a manner commanding the respect of the public.

To this class, I would entreat that you take to heart the lessons of survival you were given during your many hours of instruction and add to those my heartfelt desire that for all your tours of duty, you return home safely and whole in body each and every night. And, that your spirit remain pure and dedicated to the noble values that now guide your course. ♦

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**Commit yourselves...
to make a positive
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Fair Lawn, New Jersey, Police Memorial

The Fair Lawn, New Jersey, Police Department presents its memorial dedicated in honor and memory of Officer Mary Ann Collura, an 18-year veteran who made the ultimate sacrifice in the line of duty on April 17, 2003. The monument, dedicated on April 15, 2006, sits in front of the Borough of Fair Lawn's Municipal Building. A plaque in front of the memorial tells her story and the meaning of the statues. Fellow officers, friends, citizens, and family members want the monument to memorialize her sacrifice and her life forever.

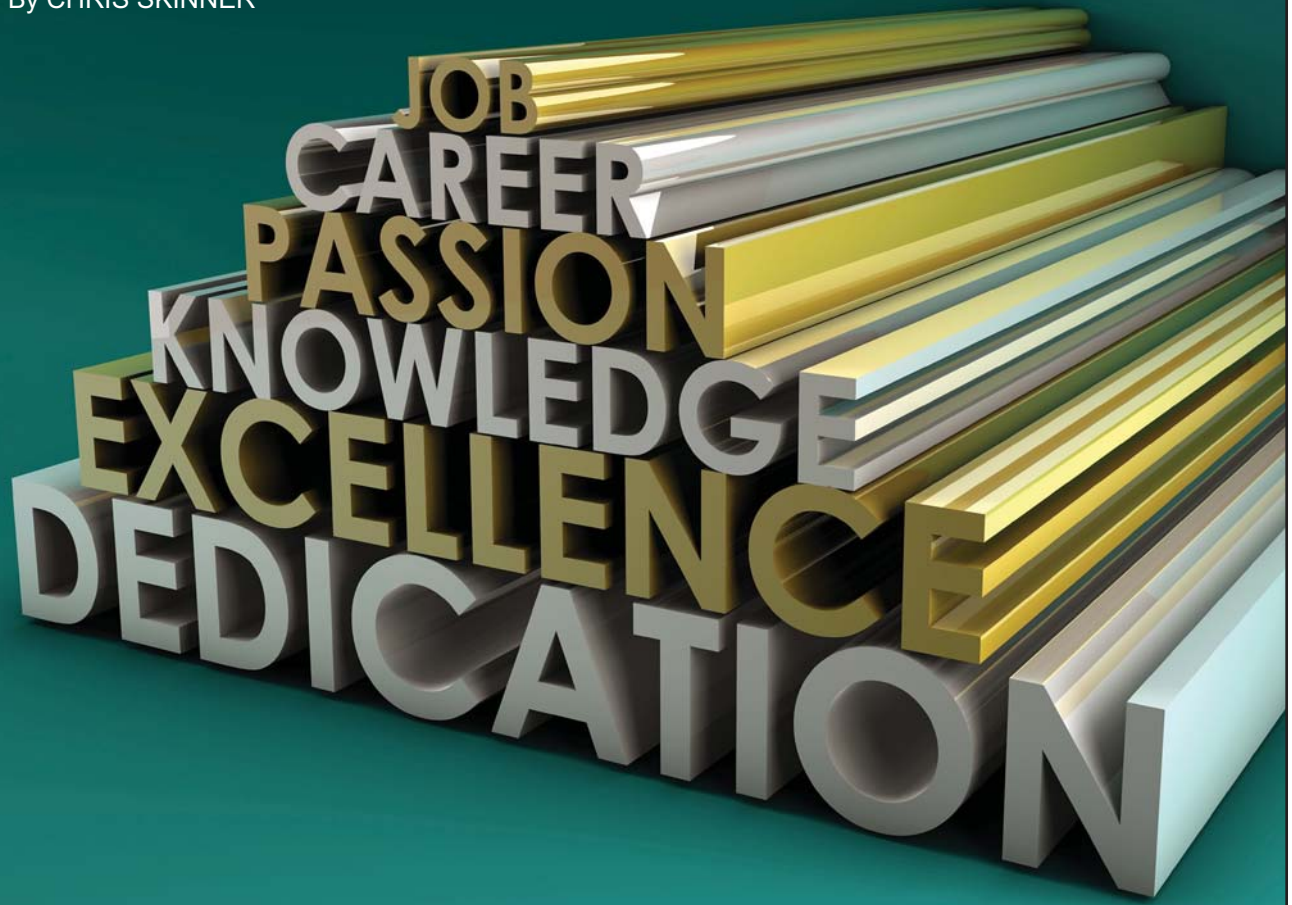


Officer Collura was serving as the acting sergeant on the night of April 17, 2003, when she heard a radio transmission that an officer from the Clifton Police Department was attempting to stop a fleeing vehicle, which, a short time later, crashed on the front yard of a Fair Lawn church. As the Clifton officer pursued the suspect on foot across the church property, Officer Collura pulled up. Ultimately, the subject, who had a concealed weapon, shot Officer Collura above and below her bulletproof vest and also shot the Clifton officer, shattering his right arm and leg. The suspect then got in Officer Collura's patrol vehicle and proceeded to strike her with it as she crawled toward the other wounded officer, thus killing her.

The *FBI Law Enforcement Bulletin* seeks submissions from agencies who wish to have their memorials featured in the magazine's **Bulletin Honors** department. Needed materials include a short description, a photograph, and an endorsement from the agency's ranking officer. Submissions can be mailed to Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135, or e-mailed to leb@fbiacademy.edu.

Recruiting with Emotion and Market Positioning

By CHRIS SKINNER



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For decades, recruiting personnel into law enforcement seemingly did not present much of a challenge. Departments often saw an overwhelming number of quality applicants compete for limited positions. Today, however, agencies apparently have difficulty recruiting a pool of

suitable candidates. Additionally, many organizations, including the Hillsboro, Oregon, Police Department (HPD), must compete in a condensed marketplace with numerous other employers for desirable candidates interested in starting a law enforcement career or changing from one agency to another.

To address today's challenges, departments must examine their recruiting methodology.

Attracting Candidates

Two distinct groups compete for law enforcement positions. One consists of entry-level recruits with little or no related experience. Often,

they recently have graduated from college or ended military service. In Hillsboro, these applicants undergo several months of training, both in-house and at the Oregon Department of Public Safety Standards and Training. Agencies usually do not consider them ready for public service for up to 1 year from the initial application phase.

The other category of applicants features police officers interested in a lateral move. They have state certification and experience working at other agencies. These candidates can serve within months of hire.

Every law enforcement agency in the Portland metropolitan area tries to recruit the best police officers. The prominence of labor unions and collective bargaining agreements has created tremendous parity among these organizations with respect to such benefits as salary, shift schedules, and medical and dental coverage. Further, most, if not all, departments feature a paramilitary structure and function under the same general set of rules and regulations.

With all things considered equal, why do aspiring officers pick one organization over another? Why do they choose certain agencies versus applying for all? Rational decision making has become obsolete in a market of parity. Applicants rely more on emotion, sometimes

without their awareness or understanding. Accordingly, in a competitive marketplace, departments must establish a strategy to differentiate themselves and appeal to their target groups' emotions.

Researching the Issue

Understanding the two target groups proves crucial in creating market position. To better understand the entry-level applicants, I conducted a series of interviews with criminal justice students attending Portland State University and Western Oregon University.

I asked all of the participants the same questions. One was why they wanted to become a police officer. Most of the individuals expressed their desire to enter a profession designed to help people. I then

asked the students why. The majority of them said they were uncertain but that "it just feels like the right thing to do." I pushed the students on what "feels" meant, and, as I expected, they struggled to express their feelings in words. So, I provided them a list of emotions used in previous research.¹ Once the students could find terms to describe what they felt, they communicated such words as *joy, happiness, thrill, kindness, confidence, and acceptance*. I then asked the participants if they thought they could experience these feelings at any of the law enforcement agencies in the Portland metropolitan area. Interestingly, students aligned closely with agencies that would give them the best chance at acceptance and happiness.

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Market position
and differentiation
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departments' success
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for the same quality
applicants.
”**



Deputy Chief Skinner serves with the Hillsboro, Oregon, Police Department.

The second part of my research focused on lateral police officers who decided to move from one agency to another. When explaining their decision, they named greater opportunity as the primary reason for leaving. I asked them to elaborate, and the officers talked about the potential for different special assignments and promotions. Then, I inquired as to how such opportunities would make them feel. As with the first group, they struggled to express their feelings with words, and I provided them with the same list of emotions. Immediately, they identified with such terms as *contentment, confidence, inspiration, pride, respect, and hope*. I then asked them if experiencing specialty assignments or promotions would be the only way to achieve these feelings. Significantly, they all stated that organizational culture would help regardless of assignment or promotion.

Often, people do not consider emotion because it is so interwoven into their thinking. This holds particularly true for police officers as being emotional is, in a sense, a sin in a profession characterized by logical thinking and decision making. However, if an officer, regardless of experience level, has several choices of employment that are technically the same, the choice that “feels better” rises to the top.

Recruitment efforts and marketing campaigns throughout law enforcement often center on rational, factual information intended to lure potential applicants. Web sites, brochures, and video images routinely show the organizational functions followed with such information as salary and benefits.² These techniques aim to show aspiring officers a wide variety of opportunities within the agency while making a competitive wage.

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With all things considered equal, why do aspiring officers pick one organization over another?

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Recruiting Effectively

In a market where many law enforcement organizations offer largely the same opportunities and benefits, agencies must recognize the need to separate themselves from the others. Market position and differentiation will prove key to departments’ success as they compete with other organizations for the same quality applicants.

One way agencies can differentiate themselves is

to achieve law enforcement “brand” as related to their position in the marketplace, to become the brand name when people discuss law enforcement services in the area. More important, each department should strive to have prospective officers consider it the brand name to work for.

Creating the brand name or look is easy; the real challenge is creating a unique brand experience. When citizens interact with the police, they come away with an experience tied to emotion. Similarly, when a potential applicant has an encounter with an agency, it involves an emotional response. Each relationship begins with an initial transaction that represents the individual’s first direct personal experience with the brand.³ The key for each department is to establish an emotional connection with prospective officers; otherwise, applicants will evaluate the agency based solely on the rational factual information that applies to every law enforcement organization. To sustain its brand experience, each department first must commit to a credible brand promise to its community and target group of applicants. An organization can create a brand promise by applying seven concepts; these should be not only deeply rooted in its culture but the cornerstone of its marketing plan.⁴

- *Problem/solution*: By its very nature, police work identifies problems and finds solutions. Similarly, a department must identify issues that exist among its target group of applicants and offer clear and direct solutions. If the issues are real and personal to prospective officers, an agency can make an immediate connection.
- *Reassurance*: In a marketplace where applicants have been mistreated by a law enforcement agency, an organization with a well-established brand can provide reassurance and peace of mind for such individuals.
- *Prestige*: Creating an organization that people see as elite gives prospective applicants a feeling that they can become something special. This is referred to as the “brand badge.”
- *Personal qualities*: Brand badge promises must convey the organization’s personal qualities. This constitutes a key component of a marketing plan for an agency successful in attracting employees that fit with its organizational culture.
- *Membership*: Departments must create an internal sense of being a special organization. Although closely related to prestige, this

concept focuses on the internal relationships formed among the department’s employees.

- *Memory triggers*: Organizations strive to achieve positive memory triggers when dealing with the community. In a competitive recruiting environment, they must differentiate themselves from the others by establishing among potential applicants powerful personal reminders.



- *Self-completion*: Finally, the branding of an organization can serve as a means of self-completion. If done correctly, an agency can add significant emotional value that would help applicants bridge the gap between the person they feel they are and the one they aspire to be.

Conclusion

Law enforcement organizations need to rethink their

marketing strategies. Often, a lack of resources leaves an organization feeling that it can do little to position itself in the marketplace. Traditional recruitment techniques have become somewhat ineffective in attracting a large pool of qualified applicants. Further, applicants often become involved in the hiring process of several different organizations.

The key is to create that emotional connection with the applicant that tips the scale when prospective officers make that very tough decision. Just as the private sector has established a successful pattern of product branding and created strong relationships with the consumer, public sector employers and law enforcement organizations must adjust their marketing campaigns to establish those solid relationships with the potential applicant group. ♦

Endnotes

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OJJDP Initiatives

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has released the In Focus series of fact sheets, which highlight major agency programs and initiatives. The series provides information on OJJDP resources, including funding, training, technical assistance, and research activities on topics, such as disproportionate minority contact, the Community Prevention Grants Program, and the Enforcing Underage Drinking Laws Program. To obtain the complete reports, access the National Criminal Justice Reference Service's Web site at <http://www.ncjrs.gov>.

Juvenile Accountability Block Grants Program (NCJ 226357) provides an overview of OJJDP's Juvenile Accountability Block Grants (JABG) program, which helps states and communities develop and implement programs that hold youth accountable for delinquent behavior through the imposition of graduated sanctions that are consistent with the severity of the offense. JABG also supports programs that strengthen the juvenile justice system's capacity to process cases efficiently and work with community partners to keep youth from reoffending. The publication includes information about authorizing legislation, eligibility, the award process, and performance measures.

Community Prevention Grants Program (NCJ 227345) offers an overview of OJJDP's Community Prevention Grants program, which funds collaborative, community-based delinquency prevention efforts. The program integrates six fundamental principles: comprehensive and multidisciplinary approaches, research- and evidence-based strategies, community control and decision making, leveraging of existing resources and systems, evaluation to monitor the program's progress and effectiveness, and a long-term perspective. The document includes information about authorizing legislation, eligibility, the award process, performance measures, and training and technical assistance.

Enforcing Underage Drinking Laws Program (NCJ 227469) presents an overview of OJJDP's Enforcing Underage Drinking Laws program, which supports and enhances efforts by states and local jurisdictions to reduce the availability of alcohol to minors. The program encourages close partnerships between law enforcement agencies and community groups involved in preventing and intervening in underage drinking. OJJDP also offers comprehensive training and technical assistance to guide states and communities in their efforts. The initiative is the only federal program devoted exclusively to preventing alcohol consumption by minors. The publication includes information about authorizing legislation, eligibility, the block grants and discretionary grants programs, training and technical assistance, and performance measures.

Formula Grants Program (NCJ 227470) provides an overview of OJJDP's Formula Grants program, which supports efforts related to delinquency prevention and reduction, juvenile justice system improvement, research, evaluation, statistical analysis, and training and technical assistance. The document includes information about authorizing legislation, eligibility, the award process, program areas, and performance measures.

Disproportionate Minority Contact (NCJ 228306) offers an overview of OJJDP's efforts to reduce disproportionate minority contact (DMC), which refers to the disproportionate number of minority youth groups who come into contact with the juvenile justice system. Amendments to the Juvenile Justice and Delinquency Prevention Act in 2002 require state participants of OJJDP's Formula Grants program to address DMC if it exists within their jurisdictions. The publication includes a description of OJJDP's DMC Reduction Model, which helps states determine whether disproportionality exists and, if it does, guides the establishment of multipronged intervention strategies to ensure equal treatment of all youth groups. The fact sheet also includes a summary of states' DMC-reduction activities derived from compliance plans submitted in fiscal year 2008.

Mental Health Initiatives

The Bureau of Justice Assistance has released *Improving Responses to People with Mental Illnesses: Tailoring Law Enforcement Initiatives to Individual Jurisdictions*. This publication explores the program-design process for a variety of Specialized Policing Response (SPR) models, including crisis intervention teams, law enforcement-mental health coresponse teams, and case management approaches. The document (NCJ 229713) is available at the National Criminal Justice Reference Service's Web site, <http://www.ncjrs.gov>.

Bulletin Reports is an edited collection of criminal justice studies, reports, and project findings. Mail your material for consideration to: *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135, or e-mail it to leb@fbiacademy.edu. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)

Leadership Spotlight

Effective Leadership Through Institutional Integrity

Effective leaders understand that uncompromising and rigid institutional integrity ought to be a core value of any law enforcement or intelligence organization. They appreciate their responsibility to monitor and train their workforce with respect to laws, procedures, regulations, and policies governing their operations and daily activities.

Successful leaders create, develop, and sustain an environment where employees are not reluctant to report any recognized or suspected failure to strictly adhere to law or policy by themselves or others. Personnel want to be confident that their leaders will take the necessary and corrective actions to document and address these failures.

In this evermore multifaceted criminal and intelligence gathering atmosphere where law enforcement professionals function, leaders should try to develop and foster an organizational mentality conducive to ensuring compliance with prevailing laws and policies. Leaders will want to make certain that a formalized procedure for dealing with any failure to comply is obtainable. During the summer of 2007, the FBI responded to this challenge by creating the Office of Integrity and

Compliance, part of the Office of the Director, which oversees the Bureau's Integrity and Compliance Program.

Successful law enforcement leaders may want to consider constructing and placing into practice a compliance program within their departments that can be tailored to proactively discover and mitigate violations of law, operational procedures, or administrative regulations. Officers and other employees ought to recognize and understand their responsibility to report incidents of misconduct,

misbehavior, or any systemic failure to follow rules. If it is to succeed, an agency's program will guarantee confidentiality and promote a spirit of appreciation for doing what is right, instead of instilling a fear of retaliation. A reputable and well-

established compliance program can support an organizational culture that encourages ethical and principled behavior. Such an endeavor is the foundation for a triumphant, respected, and professional law enforcement and intelligence organization. ♦



Special Agent Douglas B. Merel, an instructor in the Leadership Development Institute at the FBI Academy, prepared this Leadership Spotlight.

Sexting

Risky Actions and Overreactions

By ART BOWKER, M.A., and MICHAEL SULLIVAN, J.D.



Juvenile sexting is increasing in frequency.¹ A recent study found that 20 percent of teenagers (22 percent of girls and 18 percent of boys) sent naked or seminude images of themselves or posted them online.² Another survey indicated that nearly 1 of 6 teens between the ages of 12 and 17 who own cell phones have received naked or nearly nude pictures via text message from someone they know.³

Many disturbing examples of such behavior exist. For instance, two 15 year olds, a male and a female, were sentenced in juvenile court for possessing and sending nude photos on their cell phones; the girl sent a picture of herself to the boy, and another image allegedly was taken on his camera.⁴ A 15-year-old boy received 12 months of probation for forwarding a picture of his private parts to a 13-year-old girl's

cell phone.⁵ An 18-year-old high school graduate committed suicide after a nude photo she had transmitted via her cell phone to her boyfriend also was sent to hundreds of teenagers in her school. Other students, who apparently continued to forward the image, allegedly harassed the girl.⁶

Law enforcement officers and prosecutors face increased pressure to handle these cases as effectively as possible.⁷

Sexting can result in tragic circumstances, such as the previously noted suicide. Additionally troubling, adults may participate in the activity. However, aggressive prosecution of all juvenile sexting cases also can present problems. In one instance, a local prosecutor was named as a federal defendant in a civil lawsuit after he attempted to take corrective action over images he considered questionable. Through their parents, the involved juveniles brought the suit to prevent their prosecution after they refused to complete the prosecutor's suggested diversion/education program. The U.S. District Court in Pennsylvania granted a temporary restraining order to prevent the prosecutor from bringing criminal charges against the

juvenile plaintiffs over the images.⁸ Also problematic, the social implications for an inappropriate sex offender registration label resulting from juvenile adjudication require careful consideration. The registration requirements can apply to young people and, depending upon the circumstances, can extend well into adulthood.⁹ Investigators, with prosecutorial direction, can develop appropriate guidelines to chart a legal course to avoid extreme actions.

Misconduct

To determine the appropriate response, law enforcement officers must carefully consider the alleged misconduct and determine if it falls into one of two categories. First, is the image or communication illegal? For

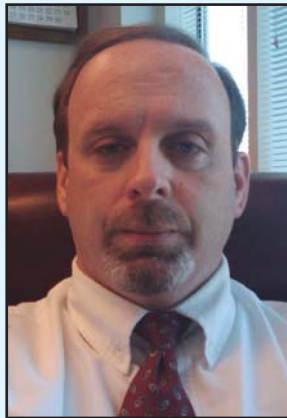
instance, the definition found in the federal child pornography statute, 18 U.S.C. § 2256, refers to illegal images with minors as those involving sexually explicit conduct.¹⁰ Does the picture meet this definition or one in a particular state statute? Additionally, investigators should consider whether the communication might be harassing or menacing to the party in the image or the recipient of it.

Second, did any illegal use of a computer occur in the communication? For instance, a youth involved in viewing, transmitting, or storing inappropriate pictures on school equipment might face legal difficulty for unauthorized use or damages. The cleanup and removal of these images can be costly for schools.

Obviously, these categories can overlap. However, this can shed light on alternative charges that may not be as apparent if someone views the misconduct solely as a sex offense. For example, a 15-year-old male posts an inappropriate image of himself on the school computer as a prank.¹¹ Charging the youth as a sex offender may be a gross overstatement, possibly resulting in a sex-offender-registration issue. Perhaps, charging him as a delinquent for damaging school property due to the cost of removing the offensive image may be a more appropriate response.



Mr. Bowker is a cybercrime specialist with the U.S. Pretrial Services and Probation Office, Northern District of Ohio, in Cleveland.



Assistant U.S. Attorney Sullivan serves with the Office of the U.S. Attorney, Northern District of Ohio, in Cleveland.

Advice for Young People

Think about the consequences of taking, sending, or forwarding a sexual picture of yourself or someone else underage. You could get kicked off of sports teams, face humiliation, lose educational opportunities, and even get in trouble with the law.

Never take images of yourself that you wouldn't want everyone—your classmates, your teachers, your family, or your employers—to see.

Before hitting send, remember that you cannot control where this image may travel. What you send to a boyfriend or girlfriend easily could end up with their friends, and their friends, and their friends.

If you forward a sexual picture of someone underage, you are as responsible for this image as the original sender. You could face child pornography charges, go to jail, and have to register as a sex offender.

Report any nude pictures you receive on your cell phone to an adult you trust. Do not delete the message. Instead, get your parents or guardians, teachers, and school counselors involved immediately.

Source: National Center for Missing and Exploited Children, Tips to Prevent Sexting; http://ncmec.vo.llnwd.net/o15/downloads/special/Sexting_Prevention.pdf (accessed July 6, 2009).

Offenders

While an adult's active involvement in juvenile sexting always should result in the strong consideration of charges, cases involving only youths may call for a different, more fluid approach. To this end, investigators should analyze the subject of the images, the victim. How old is the victim? Did she know about the photograph? Did the victim take it herself without the encouragement or direct participation

of any other person? Did she forward the picture to anyone? What is the age difference between the victim and the recipient of the image? Does she now face harassment because of her inappropriate behavior? Who is harassing her, and are charges warranted against them? The answers to these questions can help indicate if the subject of the image is a true victim in every sense of the word.

Although, perhaps, not in the image, the youth offender

somehow took part in the juvenile sexting. His actions could include soliciting the picture or actively participating in creating, possessing, receiving, or distributing the image. Did he request the picture, or did someone just send it to him? Did he keep it or forward it on? Why? To embarrass or harass the victim? What is or was the relationship between the youth offender and victim? How old are they, and what is the age difference between them?

It may be a mitigating factor where there is little or no disparity in age. However, if the offender is significantly older (e.g., a 15 year old with pictures of an 8 year old), authorities have serious misconduct issues to address. Has the perpetrator participated in similar misconduct in the past? Consideration of these factors can help investigators and prosecutors decide the proper course of action, such as no charges, diversion, or formal charges (sex or nonsex offense).

Prevention

As the first line of defense against this problem, law enforcement personnel and educators should provide regular presentations—and numerous excellent information sources exist to draw from—to young people on Internet safety

and the repercussions of inappropriate online behavior. Digital images do not deteriorate over time and easily can spread worldwide. Youths need to understand that what they do online may have a very long existence. Such presentations can help minimize or prevent future occurrences of juvenile sexting. They also can be used as a component in developing diversion programs.

Additional Investigative Areas

In cases where the images clearly involve child pornography, law enforcement needs to contact the National Center for Missing and Exploited Children (NCMEC), which operates the Child Victim Identification Program, the national clearinghouse for child pornography cases and the main point of contact for international

agencies concerning child pornography victims. By forwarding information regarding known victims, prosecutors can obtain convictions of other perpetrators who may possess these images long after the juvenile sexting case has been initially investigated.

Legislative Remedies

In 2009, state law makers, most notably in Ohio, Utah, and Vermont, began considering legislative solutions. One early proposal was a blanket decriminalization of juvenile sexting. Such a questionable approach has the real potential of putting youths at risk by inadvertently excluding sexting offenses committed by older juveniles against younger ones. Recently, Vermont stepped back from this extreme, opting to reclassify juvenile sexting cases from felony to misdemeanor offenses as long as the acts were consensual. The debate, no doubt, will continue, but legislatures must be careful to not enact laws that put youths at risk.¹²

Conclusion

Juvenile sexting poses a challenge for numerous groups to act responsibly with common sense and sound discretion. Law enforcement officers and prosecutors must keep in mind that juvenile sex and child pornography laws exist to protect young

For Additional Information

U.S. Department of Justice, Project Safe Childhood,
<http://www.projectsafekidhood.gov/>

National Center for Missing and Exploited Children,
<http://www.ncmec.org/>

High Technology Crime Investigation Association
Internet Safety for Children Campaign,
<http://www.htcia.org/isfc/>

people. While the activity associated with juvenile sexting technically may violate criminal statutes, prosecutors must use discretion, vested with their position, to confront the activity appropriately. Every act violating a statute should not necessarily bring charges. Legislators must avoid the urge to legislate away instances of an abuse of prosecutorial discretion. A well-intentioned law designed to undo a perceived overreaction by one prosecutor may unintentionally prevent the prosecution of a youth exploiting a much younger child.

Parents must remain involved in their children's lives and not surrender their parental oversight to a fear of technology. And, young people need to learn to use technology responsibly. Everyone has a role in protecting youths, and they need to fulfill that responsibility with common sense and sound discretion. ♦

Endnotes

¹ Juvenile sexting entails youths sending or posting sexually suggestive text messages and images, including nude or seminude photographs, via cellular telephones or over the Internet.

² The National Campaign to Prevent Teen and Unplanned Pregnancy and Cosmogirl.com, "Sex and Tech: Results from a Survey of Teens and Young Adults"; http://www.thenationalcampaign.org/sextech/PDF/SexTech_Summary.pdf (accessed March 1, 2010).

³ John Sutter, "Survey: 15 Percent of Teens Get Sexual Text Messages"; <http://www.cnn.com/2009/TECH/12/15/pew.sexting.survey/index.html> (accessed March 1, 2010).

⁴ Nick Zeigler, "'Sexting' Teens Sentenced in Warren County"; <http://newstalkradiowho.com/localnews/2009/05/sexting-teens-sentenced-in-war.html> (accessed March 1, 2010).

⁵ Frank Graham, "Student Gets Year Probation for 'Sexting'"; <http://www.northplattebulletin.com/index.asp?show=news&action=readStory&storyID=16546&pageID=3> (accessed March 1, 2010).



⁶ Mike Celizic, "Her Teen Committed Suicide Over Sexting"; (accessed March 1, 2010).

⁷ For additional information, see Art Bowker, "The Advent of the Computer Delinquent," *FBI Law Enforcement Bulletin*, December 2000, 7-11.

⁸ Mary Jo Miller, et. al vs. George Skumanick, Jr., U.S. District Court of the Middle District of Pennsylvania, case no. 3:09CV540, March 30, 2009.

⁹ The Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. 16911, defines convicted offenses requiring

registration as including an individual "adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code) or was an attempt or conspiracy to commit such an offense." It would seem doubtful illegal activity involved in juvenile sexting would meet this requirement; see U.S. Department of Justice, Office of Justice Programs, *Juvenile Offenders Required to Register Under SORNA: A Fact Sheet*. However, in the unlikely event a juvenile was prosecuted federally as an adult, it might trigger the federal requirement to register as a sex offender. States can be more restrictive and mandate that their statutes on child pornography, committed by juveniles, trigger state registration requirements.

¹⁰ Sexually explicit conduct is "actual or simulated - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person." (18 U.S.C. § 2256 2 (B))

¹¹ While members of both sexes commit or fall victim to these types of crimes, throughout this article, the author's examples feature male perpetrators and female victims.

¹² Kara Rowland, "Sexting Is Thorny Legal Issue"; <http://www.washingtontimes.com/news/2009/jun/23/sexting-is-thorny-legal-issue/> (accessed March 1, 2010).

The opinions contained in the article are those of the authors and not necessarily the views of the U.S. Attorney's Office, the Northern District of Ohio, or the U.S. Department of Justice.

FBI Law Enforcement Bulletin

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The *FBI Law Enforcement Bulletin* is an official publication of the Federal Bureau of Investigation and the U.S. Department of Justice.

Frequency of Publication: Monthly.

Purpose: To provide a forum for the exchange of information on law enforcement-related topics.

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Length: Feature articles should contain 2,000 to 3,500 words (8 to 14 pages, double-spaced). Submissions for specialized departments, such as Police Practice and Case Study, should contain 1,200 to 2,000 words (5 to 8 pages, double-spaced).

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Authors should supply references when quoting a source exactly, citing or paraphrasing another person's work or ideas, or referring to information that generally is not well known. For proper footnote format, authors should refer to *A Manual for Writers of Term Papers, Theses, and Dissertations*, 7th ed., by Kate L. Turabian.

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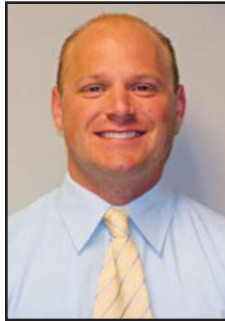
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The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Patrolman Turner



Patrolman Cerminaro



Sergeant Calicari

During a severe thunderstorm with heavy rainfall, Patrolmen Robert Turner and Adam Cerminaro and Sergeant Daniel Calicari of the Shrewsbury, New Jersey, Police Department responded to a structure fire with two people trapped inside. Patrolman Turner responded first and found a male victim calling for help from a second-story window. The man advised that there was a

ladder in the garage, which the three officers used to bring him to safety. He also stated that his son remained inside somewhere on the second floor, possibly at the rear of the house, which was fully engulfed in flames. Patrolman Cerminaro tried to enter the back of the residence, but could not because of the heat and smoke. He then went to the front and kicked in the door. Patrolman Cerminaro and Sergeant Calicari searched feverishly around the first floor, but the fire forced them out. Subsequently, fire personnel arrived and found and rescued the son



Officer Daniels

While off duty, Officer Jeff Daniels of the Ector County, Texas, Independent School District Police Department went to a local restaurant for dinner with his family. Upon entering, he noticed that one of the patrons was choking and that the other diners were unable to help. Immediately, Officer Daniels performed the Heimlich maneuver and dislodged the food stuck in the victim's throat. However, the patron had lost consciousness and had no pulse or respiration. Officer Daniels, with the assistance of an emergency medical technician also dining at the restaurant, performed CPR. The victim began breathing independently prior to the arrival of the ambulance.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be mailed to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Outreach and Communications Unit, Quantico, VA 22135, or e-mailed to leb@fbiacademy.edu.

U.S. Department of Justice
Federal Bureau of Investigation
FBI Law Enforcement Bulletin
935 Pennsylvania Avenue, N.W.
Washington, DC 20535-0001

Periodicals
Postage and Fees Paid
Federal Bureau of Investigation
ISSN 0014-5688

Official Business
Penalty for Private Use \$300

Patch Call



Yankton, South Dakota, Police Department's patch reflects the city's history as the first capitol of Dakota Territory in 1861. The riverboat, chapel, and hospital also serve as reminders of Yankton's past, as does Discovery Bridge, representing the trek of Lewis and Clark up the Missouri River.



The patch of the Merriam, Kansas, Police Department features a depiction of a train, representing both the beginning and the great success of the city as the town grew upon the arrival of the railroad. To the left of the train is a picture of the Merriam Depot. The tracks still operate today.